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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,943	04/12/2004	Fabrizio Greco	27362/GM/cd	2375

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,943

Applicant(s)

GRECO, FABRIZIO

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayall.

In regard to claim 1, Mayall discloses a device comprising: a ring that is divided into a first arc (top c in fig. 5) and a second arc (bottom c), said arcs being shaped mutually complementary and pivoted about an arc pivoting axis at a respective first end thereof, with respective second, opposite ends thereof being provided free, so as to allow said ring to surround externally a fluid distribution pipe, one of said first and second arcs being further associable with a nozzle (B') (additionally hoses A could be attached to a valve, nozzle or jet support making the clamps c associable with the valve, nozzle or jet); a lever D for closing said ring, which is articulated to the second end of said first arc; at least one pin E formed at the second end of said second arc; and at least one tooth g provided at said lever for engaging said at least one pin.

In regard to claim 2, wherein said lever D is articulated so as to be rotatable about a lever axis that is substantially parallel to the arc pivoting axis of said first and second arcs.

In regard to claim 3, wherein said at least one pin E is substantially parallel to said arc pivoting axis.

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In regard to claim 4, comprising two pins E arranged substantially coaxially to each other and so as to cantilever out on opposite sides with respect to the free end of the second arc, and two engagement teeth g arranged so as to be substantially parallel to each other in a fork-like configuration.

In regard to claim 6, wherein said lever comprises a lug (end of lever D) that is formed proximate to said second end of the lever to engage by snap action a corresponding seat formed in said second arc (space between protrusions seen on top c in fig. 5, or in cross section in fig. 4).

3. Claims 1-3, 7-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stehlin.

In regard to claim 1, Stehlin discloses (fig. 1) a device comprising: a ring that is divided into a first arc 16 and a second arc, said arcs being shaped mutually complementary and pivoted about an arc pivoting axis at a respective first end thereof, with respective second, opposite ends thereof being provided free, so as to allow said ring to surround externally a fluid distribution pipe, one of said first and second arcs being further associable with a valve, nozzle or jet support (the clamp is for holding adjacent aligned flanged pipe ends used in a piping system and that piping system could have valves or nozzles, making the clamp associable with the valve or nozzle); a lever 30 for closing said ring, which is articulated to the second end of said first arc; at least one pin 24 formed at the second end of said second arc; and at least one tooth 42 provided at said lever for engaging said at least one pin.

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In regard to claim 2, wherein said lever 30 is articulated so as to be rotatable about a lever axis that is substantially parallel to the arc pivoting axis of said first and second arcs.

In regard to claim 3, wherein said at least one pin 24 is substantially parallel to said arc pivoting axis.

In regard to claim 7, comprising a linkage (16 with pin 24), which has a first linkage end that is pivoted to said second end of the first arc (bottom 16) and a second linkage end 40 that is pivoted to said lever 30.

In regard to claim 8, wherein pivoting axes of said linkage are substantially parallel to said arc pivoting axis.

In regard to claim 10, wherein said lever comprises 30 a seat (space between arms 28) for containing said linkage 40, said first and second arcs being arranged so as to surround said pipe.

In regard to claim 11, wherein said lever 30 comprises a grip tab 32 that is formed at said second end.

Allowable Subject Matter

4. Claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brunet et al., Bender, McLennan et al., Butterfield et al., Ward, Guy and Hutchinson all disclose similar couplings common in the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
Art Unit 3679
January 31, 2005